IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5095 OF 2005

Kalpesh Krishna Shelar ...Applicant
vs.
State of Maharashtra ...Respondent

Mr.Vikas Shivalkar and Mr.Vipin Bidkar for the Applicant
Ms M.M.Deshmukh, A.P.P. for State

CORAM: A.S.OKA,J.
DATE : AUGUST 29,2005

P.C.:

1. Heard Advocate for the Applicant and the learned A.P.P. for State. The learned Counsel for the Applicant pointed out that the a separate offence has been registered against him on the basis of complaint which is at page No.13 and he has been enlarged on bail in the said offence. He pointed out that the present offence relates to the complaint at page No.10 on the basis of which the F.I.R. is registered. He submitted that the F.I.R. discloses that the Applicant had no role in the actual assault and the actual assault is by co-accused Balu. He submitted that till the conclusion of trial, the Applicant will not enter the jurisdiction of concerned Police Station.

2. The learned A.P.P. has placed on record the criminal antecedents of the Applicant. The learned A.P.P. submitted that there are number of cases registered against the Applicant. The learned A.P.P. stated that the Applicant has been acquitted of one of the offence which was registered

against him under Section 302 of I.P.C. The learned A.P.P. submitted that the Applicant cannot be enlarged on bail.

3. I have considered the submissions. In the present case, there is no allegation made against the Applicant of commission of actual assault. The said allegation is against the co-accused. As stated earlier, the Applicant has been acquitted of the offence under Section 302 of I.P.C. which was registered against him earlier. The other cases registered against the Applicant seem to be under Section 324 of I.P.C. and under Section 37(1) read with Section 135 of Bombay Police Act. It is not in dispute that the Applicant has been enlarged on bail in connection with the other offence registered at the instance of the same first informant Kum.Mehboobi Abbas Nepali. The Applicant has offered to remain away from the area falling in the jurisdiction of the concerned Police Station. The learned A.P.P. on instructions of the Investigating Officer stated that the witnesses are residing within the jurisdiction of the Wanawadi Police Station. Considering the facts and circumstances, a case is made out for enlarging the Applicant subject to stringent conditions.

4. Hence I pass the following order :

i) The Applicant shall be enlarged on bail in connection with

C.R.No.157 of 2005 registered with Wanawadi Police Station, Pune, subject to furnishing a personal bond of Rs.25,000/- (Rupees twenty five thousand only) with one or two local sureties in the like amount.

ii) The Bail is granted subject to the condition that till the conclusion of trial the Applicant will not enter the area falling within the jurisdiction of Wanawadi Police Station, Pune.

iii) This order granting bail will be given effect to only after the Applicant furnishes to the Investigating Officer his detailed address of place of residence where he proposes to stay after he is enlarged on bail.

iv) Bail is granted subject to the condition that the Applicant will report to the local police station once in a week till the conclusion of trial.

v) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

vi) The Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the

Applicant to delay the trial may be a ground for cancellation of bail.

vii) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

viii) Application is disposed of in above terms.

ix) The parties to act upon an authenticated copy of this order.

JUDGE